

Official Proceedings

December 29, 2015
8:00 am

Chairman Hoff called the meeting of the Stark County Board of Commissioners to order. All members present.

Agenda

Chairman Hoff asked for any additions or deletions to the agenda. Chairman Hoff added discussion items on Forsgren and Associates contract and Extraterritorial Zoning.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz

To approve the agenda as presented with the additions.

DISPOSITION: Motion carried

Minutes

The minutes of the December 1, 2015 and December 22, 2015 Board of County Commissioners meeting were presented.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Elkin

To approve the minutes of the December 1, 2015 and December 22, 2015 Board of County Commission minutes as presented.

DISPOSITION: Motion carried

Accounts Payable

Commissioner Elkin questioned 4 bills for North Dakota Youth Correctional charges. Assistant State's Attorney Hope advised that this is for juvenile services when they are taken to the North Dakota Youth Correctional Center and there may be charges of the same amount due to time requirement that they are able to spend at the facility. Commissioner Wolf questioned a charge for uniforms in the Sheriff's Department. Ms. Haag will research this and advise at a later date.

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Wolf

To approve the accounts payable as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried

The Commission also discussed transferring Oil and Gas revenue into the Capital Improvements fund for 2016.

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Zander

To take all Oil and Gas tax revenue and place in the Capital Improvement fund for 2016.

DISPOSITION: Roll call vote. All voted aye. Motion carried

It was also discussed that the grant application for the Courthouse remodel has to be submitted with a written proposal and timeline. There currently is not a timeline but one will be developed and will also include a remodel of the 3rd floor.

Public Hearing - Dickinson Catholic Schools – Steve Glasser

Mr. Glasser presented information regarding the bond request. Advised this is a 15 year bond and will be setup as a construction loan until the building is occupied. Once the

building is occupied the interest rate on the loan will increase. Mr. Hope advised that Stark County will only be a conduit for the bond and requested a copy of the referenced documents including the loan agreement.

MOTION BY: Commissioner Wolf

SECOND BY: Commissioner Elkin

To authorize the county to enter into an agreement to act as the pass-through agency for the Dickinson Catholic Schools.

DISPOSITION: Roll call vote. All voted aye. Motion carried

WIX Barn & Lodge Liquor License

Ms. Haag presented both the liquor and beer license for the Wix barn and lodge.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Kuntz

To authorize the Chairman to sign the presented beer and liquor license.

DISPOSITION: Motion carried

Court Facilities Grant

Three court facilities grant applications were presented. These include the purchase of key fobs for building access, the addition of doors for privacy and security, and new door locks.

MOTION BY: Commissioner Kuntz

SECOND BY: Commissioner Elkin

To accept and authorize the Chairman to sign the application for key fobs.

DISPOSITION: Roll call vote. All voted aye. Motion carried

MOTION BY: Commissioner Wolf

SECOND BY: Commissioner Zander

To authorize the Chairman to sign the applications for changes to the doors and locks and have cost share taken out of Capital Improvements.

DISPOSITION: Roll call vote. All voted aye. Motion carried

City of Belfield

Representatives from the City of Belfield attended to thank the Commission for providing funding for the Belfield water project. The Commission was provided a thank you letter.

Zoning

Melissa Hochmuth of NextEra Energy Resources is requesting a conditional use permit for a 197 foot meteorological tower on a parcel located in the E ½ of the W ½ of Section 32, Township 137, Range 97 containing approximately 160 acres on a lease area of approximately 2.5 acres. This is a temporary tower to collect additional information for the wind tower project. Planning and Zoning in addition to the Staff recommend approval.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Wolf

To approve the conditional use permit with conditions.

DISPOSITION: Roll call vote. Commissioner Elkin, aye. Commissioner Kuntz, aye. Commissioner Wolf, aye. Commissioner Zander, nay. Chairman Hoff, aye. Motion carried

Melissa Hochmuth is requesting a zoning change from Agriculture to Agricultural Residential on a parcel located in the NW ¼ of Section 25, Township 137, Range 96 containing approximately 13 acres. The purpose of this zoning request is for a possible substation. Planning and Zoning in addition to Staff recommend approval.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Kuntz

To approve the zoning request as presented.

DISPOSITION: Roll call vote. Commissioner Elkin, aye. Commissioner Kuntz, aye. Commissioner Wolf, aye. Commissioner Zander, nay. Chairman Hoff, aye. Motion carried

Melissa Hochmuth is requesting a conditional use permit for a 190 foot microwave tower on a parcel located in the NW ¼ of Section 25, Township 137, Range 96 containing approximately 13 acres. This is for a 190 foot lattice microwave communications tower. Planning and Zoning along with Staff recommend approval.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Wolf

To approve the conditional use permit as presented with conditions.

DISPOSITION: Roll call vote. Commissioner Elkin, aye. Commissioner Kuntz, aye. Commissioner Wolf, aye. Commissioner Zander, nay. Chairman Hoff, aye. Motion carried

Melissa Hochmuth if NextEra Energy Resources is requesting a conditional use permit for a 263 foot lattice meteorological tower on a parcel located in the NE ¼ of the SW ¼ and Lots 1, 2, and 3, Section 30, Township 137, Range 96 containing approximately 149.65 acres on a lease area of approximately 3.191 acres. This request is for a lattice tower however this tower has a much smaller footprint then prior requests. Planning and Zoning along with Staff recommend approval.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Kuntz

To approve the conditional use permit as presented with conditions.

DISPOSITION: Roll call vote. Commissioner Elkin, aye. Commissioner Kuntz, aye. Commissioner Wolf, aye. Commissioner Zander, nay. Chairman Hoff, aye. Motion carried

Melissa Hochmuth is requesting a zoning change from Agriculture to Agricultural Residential on a parcel located in the NE ¼ of Section 29, Township 137, Range 98 containing approximately 30 acres. This request is for a switch yard. Planning and Zoning along with Staff recommend approval.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Wolf

To approve the zoning request as presented.

DISPOSITION: Roll call vote. Commissioner Elkin, aye. Commissioner Kuntz, aye. Commissioner Wolf, aye. Commissioner Zander, nay. Chairman Hoff, aye. Motion carried

Melissa Hochmuth is requesting a Conditional Use Permit for an electrical substation and accessory buildings on a parcel located in the NE ¼ of Section 29, Township 137, Range 98 containing approximately 30 acres. Planning and Zoning along with Staff recommend approval.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Kuntz

To approve the conditional use permit as presented with conditions.

DISPOSITION: Roll call vote. Commissioner Elkin, aye. Commissioner Kuntz, aye. Commissioner Wolf, aye. Commissioner Zander, nay. Chairman Hoff, aye. Motion carried

Commissioner Elkin advised that there are a number of companies that would like to establish wind farms in Stark County. At the present time the Board of County Commissioners has approved one request. Commissioner Elkin would like the Board to step back and let the existing project be completed prior to approving additional wind farm requests. It is Commissioner Elkin's recommendation that the Board wait one year from the startup date of the existing wind farm project before accepting additional applications.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Zander

To place a hold on accepting additional wind farm project applications until December 31, 2017 which is a period of one year from the current project startup date.

DISCUSSION: Commissioner Elkin has concerns if the existing company will be able to work with the residents in the affected area to resolve current issues.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Lindsay Krebs – KLJ Signature for Transportation Programs

Ms. Krebs is requesting approval and sponsorship on 3 project applications. Two of the applications are for the City of Belfield projects that include a mill and repair of the trail around the pond and installation of a sidewalk out to the pond. The third application is for the City of Richardton to install a crosswalk from St. Mary's school to the playground. The three applications are an 80/20 split and are for the fiscal year of 2017.

MOTION BY: Commissioner Zander

SECOND BY: Commissioner Elkin

To authorize the Chairman to sign the three transportation program applications as presented.

DISPOSITION: Motion carried

Board Appointments

Planning and Zoning

There are currently four open positions on the Planning and Zoning Board. Three of the positions are seeking reappointment by Sue Larsen, Duane Grundhauser, and Kurt Froelich and the fourth position is an open position in the Belfield area. Commissioner Elkin advised that there is expressed interest from Byron Richard for the open Belfield position.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Kuntz

To appoint Byron Richard to the Planning and Zoning Board.

DISPOSITION: Roll call vote. All voted aye. Motion carried

MOTION BY: Commissioner Zander

SECOND BY: None

To table the remaining appointments to the Planning and Zoning Board.

DISPOSITION: Motion failed

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf
To reappoint Sue Larsen, Duane Grundhauser, and Kurt Froelich to the Planning and Zoning Board.

DISCUSSION: It was stated that there is a lot of public input on Planning and Zoning issues however nobody steps up to serve on the Board. Commissioner Wolf called for the question.

DISPOSITION: Motion carried

Badlands Human Service Center

There is currently one opening on the Badlands Human Service Center board however it was questioned if this board still exists. Ms. Haag will research and advise the Commission.

Forsgren and Associates

Stark County received the annual contract for services provided by Forsgren and Associates. The Commission would like a representative from Forsgren at the schedule January Commission meeting prior to making a decision on the presented contract.

ETZ

The City of Dickinson sent a joint powers agreement regarding the ETZ to Stark County. Mr. Henning was not in attendance of the Commission meeting however Chairman Hoff would like Mr. Henning's report on said agreement prior to making a decision.

Budget Variances

Ms. Haag presented the following budget variances.

General Fund

Original Budget: \$5,407,909.22

Budget Amendments: \$559,528.03

Amended Budget: \$5,967,437.25

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Wolf

To amend the General Fund budget by \$559,528.03.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Unorganized Road and Bridge

Original Budget: \$9,086,000.00

Budget Amendments: \$4,898,939.42

Amended Budget: \$13,984,939.42

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Zander

To amend the Unorganized Road and Bridge fund by \$4,898,939.42.

DISPOSITION: Roll call vote. All voted aye. Motion carried

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Zander

To transfer from the Highway Distribution fund \$2,329,602.72 to the Unorganized Road and Bridge fund.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Special Road and Bridge

Original Budget: \$100,000.00

Budget Amendments: \$90,305.00

Amended Budget: \$190,305.00

MOTION BY: Commissioner Wolf

SECOND BY: Commissioner Zander

To amend the Special Road and Bridge fund by \$90,305.00.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Information Technology

Original Budget: \$508,313.22

Budget Amendments: \$311,298.61

Amended Budget: \$819,611.83

MOTION BY: Commissioner Zander

SECOND BY: Commissioner Elkin

To amend the Information Technology fund by \$311,298.61.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Capital Improvements

Original Budget: \$180,411.98

Budget Amendments: \$1,046,887.43

Amended Budget: \$1,227,299.41

MOTION BY: Commissioner Zander

SECOND BY: Commissioner Wolf

To amend the Capital Improvement fund by \$1,046,887.43.

DISPOSITION: Roll call vote. All voted aye. Motion carried

County Park

Original Budget: \$183,800.00

Budget Amendments: \$1,465,422.97

Amended Budget: \$1,649,222.97

MOTION BY: Commissioner Kuntz

SECOND BY: Commissioner Elkin

To amend the County Park fund by \$1,465,422.97.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Insurance Reserve

Original Budget: \$156,929.00

Budget Amendments: \$4,589.22

Amended Budget: \$161,518.22

MOTION BY: Commissioner Zander

SECOND BY: Commissioner Wolf

To amend the Insurance Reserve fund by \$4,589.22.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Weed Control

Original Budget: \$422,294.35

Budget Amendments: \$45,387.61

Amended Budget: \$467,681.96

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Zander
To amend the Weed Control fund by \$45,387.61.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Asset Forfeiture

Original Budget: \$1,000.00

Budget Amendments: \$908.00

Amended Budget: \$1,908.00

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Elkin
To amend the Asset Forfeiture fund by \$908.00.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Estimate

Original Budget: \$25,000.00

Budget Amendments: \$5,090.25

Amended Budget: \$30,090.25

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Elkin
To amend the Estimate fund by \$5,090.25.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Game and Fish

Original Budget: \$300,000.00

Budget Amendments: \$65,821.50

Amended Budget: \$365,821.50

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz
To amend the Game and Fish fund by \$65,821.50.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Security Reimbursement

Original Budget: \$2,000.00

Budget Amendments: \$247.38

Amended Budget: \$2,247.38

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf
To amend the Security Reimbursement fund by \$247.38.

DISPOSITION: Roll call vote. All voted aye. Motion carried

SW Victim Witness

Original Budget: \$80,000.00

Budget Amendments: \$11,619.70

Amended Budget: \$91,619.70

MOTION BY: Commissioner Wolf **SECOND BY:** Commissioner Kuntz
To amend the SW Victim Witness fund by \$11,619.70.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Other Reimbursements

Original Budget: \$216,297.86

Budget Amendments: \$198,457.08

Amended Budget: \$414,754.94

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Elkin

To amend the Other Reimbursements fund by \$198,457.08.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Judgement Execution

Original Budget: \$75,000.00

Budget Amendments: \$61,826.94

Amended Budget: \$136,826.94

MOTION BY: Commissioner Kuntz **SECOND BY:** Commissioner Wolf

To amend the Judgement Execution fund by \$61,826.94.

DISPOSITION: Roll call vote. All voted aye. Motion carried

9-1-1 Equipment

Original Budget: \$275,000.00

Budget Amendments: \$72,210.56

Amended Budget: \$347,210.56

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Kuntz

To amend the 9-1-1 Equipment fund by \$72,210.56.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Library

Original Budget: \$245,267.00

Budget Amendments: \$15,095.38

Amended Budget: \$260,362.38

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Wolf

To amend the Library fund by \$15,095.38.

DISPOSITION: Roll call vote. All voted aye. Motion carried

MOTION BY: Commissioner Kuntz

SECOND BY: Commissioner Elkin

To adjourn the meeting.

DISPOSITION: Motion carried

Kay Haag, Auditor

Russ Hoff, Chairman